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Report of the Working Group of Experts on People of African Descent on its mission to Canada

Note by the Secretariat

The report transmitted herewith contains the findings of the Working Group of Experts on People of African Descent on its visit to Canada from 17 to 21 October 2016. In it, the Working Group presents the current legal, institutional and policy framework, and measures taken to prevent racism, racial discrimination, xenophobia, Afrophobia and related intolerance faced by people of African descent in Canada, underscoring positive developments as well as gaps in implementation. The Working Group describes the situation, highlights good practices and the main challenges identified, and makes concrete recommendations.

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Report of the Working Group of Experts on People of African Descent on its mission to Canada*

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* Circulated in the language of submission only.

I. Introduction

1. At the invitation of the Government of Canada, the Working Group of Experts on People of African Descent undertook a visit to Canada from 17 to 21 October 2016. The members of the delegation were Ricardo A. Sunga III, Ahmed Reid and Michal Balcerzak.

2. The Working Group visited Ottawa, Toronto, Halifax and Montreal. In Ottawa, the Working Group met with representatives of several federal government departments and agencies, including the Assistant Deputy Minister of International Security, Global Affairs; Statistics Canada; Canadian Heritage; Immigration, Refugees and Citizenship; Justice; Health; Education for Sustainable Development Canada; Public Safety; Correctional Service; the Royal Canadian Mounted Police (RCMP); National Defence; the Canadian Human Rights Commission; the Office of the Correctional Investigator; and the Civilian Review and Complaints Commission for the RCMP. The Working Group also met with a Member of Parliament.

3. In Toronto, the Working Group met with officials from the Government of Ontario Anti-Racism Directorate; Ministry of Education; Ministry of the Attorney General; Ministry of Community Safety and Correctional Services; Ontario Provincial Police; Toronto Police Service; the Ontario Ombudsman; and the Ontario Human Rights Commission. The Working Group also visited the Toronto South Detention Centre. In Halifax, the Working Group met with Government of Nova Scotia officials, including the Executive Director of the Nova Scotia Human Rights Commission; Halifax Police Service; the Department of Justice; and the Office of African Nova Scotian Affairs. In Montreal, the Working Group met with Government of Quebec officials, including the Vice-President of the Quebec Commission on Human Rights and Youth Rights; the Ombudsperson (Protecteur du Citoyen); and representatives of the ministries of Justice; Immigration; Employment; Education and Public Safety. In all the cities visited, the Working Group also met with African Canadians, lawyers, academics and non-governmental organizations.

4. The Working Group thanks the Government of Canada for its invitation to visit the country and for its cooperation during the visit. In particular, it thanks Global Affairs Canada and the provincial authorities in Ontario, Nova Scotia and Quebec for their support.

5. The Working Group warmly thanks the African Canadian Legal Clinic for coordinating meetings with civil society in different parts of the country, and the many African Canadians, civil society organizations, human rights defenders, lawyers, academics and individuals who shared their views on the human rights situation of people of African descent in the country.

II. Background

A. Historical overview

6. People of African descent have lived in Canada since the beginning of transatlantic settlement. Among the earliest arrivals were enslaved Africans from the New England States of the United States of America and the West Indies. Between 1763 and 1865, most Blacks migrating to Canada were fleeing slavery in the United States. Indeed, the United States remained the main source of new Black immigrants to Canada until the 1960s when changes to the Immigration Act removed the bias against non-white immigrants and permitted large numbers of qualified West Indians and Africans to enter Canada. This major influx of Black people greatly outnumbered the original Black population in every Canadian region, except the Maritimes.[1]

[1] See www.thecanadianencyclopedia.ca/en/article/black-canadians/.

7. Slavery existed in Canada from the 16th century until its abolition in 1834. After slavery was abolished, African Canadians still had to contend with de facto segregation in housing, schooling and employment, and exclusion from public places such as theatres and restaurants.[2]

8. African Canadians made significant contributions to early Canadian society. In the war of 1812, African Canadians fought in the British army defending Canadian borders against the United States. Similarly, in 1837, African Canadians assisted in quashing the rebellion in Upper Canada against the proposed unification of Upper and Lower Canada by the British. The contribution of African Canadians was also notable in politics: not only did they contribute to bringing the province of British Columbia into the Canada Confederation, but they established successful settlements and founded schools that provided education to children of all races.[3]

9. In the 1960s, the African Nova Scotian community of Africville, north of Halifax, was destroyed to make way for industrial development. For over 150 years, Africville had been home to hundreds of African Canadian individuals and families, some of whom could trace their roots in Nova Scotia back to the late 1700s. Africville was a vibrant, self-sustaining community that thrived despite the harshest opposition, and most of its inhabitants were landowners. The denial of services, environmental racism and targeted pollution of the community and other deplorable tactics employed by the authorities to displace the residents of Africville is a dark period in Nova Scotian history. In the 1980s, the Africville Genealogy Society initiated legal action seeking compensation for their loss. In 2010, an apology was issued by the city of Halifax for the destruction of the community and the land, and $3 million were allocated to build a museum on the Africville site.[4]

B. Demographics

10. In Canada, the term "visible minority" is used to define one of four designated groups under the Employment Equity Act, 1995). The Act is intended to achieve workplace equality and rectify employment disadvantages affecting women, Aboriginal peoples, persons with disabilities and visible minorities. Visible minorities are "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour". The visible minority population consists mainly of persons of South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean and Japanese origin.

11. The 2016 census gave the total population of Canada as 35,151,72 million;[5] data on immigration and ethnocultural diversity will be released in October 2017. However, according to the 2011 census, the Black population in Canada was 945,665, that was 2.9 per cent of the total Canadian population and 15 per cent of the visible minority population, and Black Canadians were ranked third in the visible minority category after South Asians (1.6 million) and Chinese (1.3 million). In 2011, 29.8 per cent of individuals identifying themselves as Black reported multiple ethnic or ancestral origins. The largest African ancestral origins were Caribbean, such as Jamaican (22.8 per cent) and Haitian (13.9 per cent), and Somalian (4.4 per cent). Those origins were reported either alone or with other origins. Some individuals reported their origins as the British Isles (10.9 per cent), Canadian (10.8 per cent) and French (4.3 per cent).

12. The proportion of persons belonging to a visible minority group quadrupled between 1981 and 2011, from 4.7 per cent to 19.1 percent. The Black Canadian population is mainly composed of people of African descent whose ancestors would have come to Canada since the 18th and 19th centuries; people who migrated directly from Africa and the Caribbean after 1961 when the immigration laws were amended allowing non-White immigration; and African Americans who migrated to Canada.

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[2] Robin Winks, *The Blacks in Canada: A History*, 2nd ed. (Montreal, McGill-Queen's University Press, 1997).

[3] Lawrence Hill, *Trials and Triumphs: Stories of African Canadians* (Toronto, Umbrella Press, 1993).

[4] See http://africvillemuseum.org/the-community-of-africville/.

[5] See http://www12.statcan.gc.ca/census-recensement/2016/rt-td/index-eng.cfm.

13. Between 1961 and 2012, the relative share of immigrants from Africa grew substantially from 1.5 per cent to 13.0 per cent, and the African-born proportion of the population of Canada nearly tripled between 1981 and 2011, from 2.6 per cent to 7.3 per cent. That proportion could continue to increase in the coming decades, although it may remain below 1[0] per cent. Preston, a settlement in the Halifax area, Nova Scotia (on land that the British Crown granted to Black Loyalists following the American Revolution), has the highest percentage (69.4 per cent) of Blacks in Canada.

14. In 2011, there were 20,790 African Nova Scotians; they make up the largest racially visible group in that province. Of those, 80.7 percent were born in the province, 77.2 per cent have been Canadians for three or more generations, while 10 percent of African Nova Scotians are new Canadians coming primarily from Africa, the Caribbean and the United States. There has been a long history of resistance and resilience by African Nova Scotians and they have developed a distinct culture, traditions and social and political practices.[6]

15. The Working Group is concerned that the category "visible minority" obscures the degrees of disparity in treatment and specific human rights concerns of African Canadians.

16. Despite the wealth of information and data on socioeconomic indicators, there is a serious lack of race-based data and research, which could inform prevention, intervention and treatment strategies for African Canadians. The authorities acknowledged that disaggregated data along racial and ethnic lines was necessary to understand the human rights concerns of African Canadians.

III. Framework and steps taken to protect the human rights of people of African descent

A. Legal framework

17. Canada has ratified the main international human rights treaties, except for the International Convention on the Protection of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

18. Canada has a strong legal and policy framework to combat racial discrimination and advance substantive equality. The framework includes prohibitions on discrimination and intolerance in the Canadian Charter of Rights and Freedoms, the Criminal Code and federal, provincial and territorial human rights statutes. The Canadian Multiculturalism Act (1985) recognizes diversity as a fundamental characteristic of Canadian society. It requires institutions to respect and be inclusive of the country's multicultural character and commits to promoting the full and equitable participation of individuals of all origins and eliminating barriers to that participation.

19. Canada has a range of measures to promote diversity and inclusion, such as employment equity legislation, policies, programmes and services at the federal, provincial and territorial levels and has taken special measures to advance substantive equality groups, most notably for indigenous peoples. However, Canada has not introduced special measures for African Canadians, despite the disparities and systemic anti-Black racism and discrimination they face in the enjoyment of their social, economic and cultural rights.

20. The Working Group notes with satisfaction that, following its visit, the Government of Ontario adopted a number of measures aimed at benefitting African Canadians. On 1 June 2017, the Government passed Bill 114, the Anti-Racism Act, which recognizes the distinct nature of anti-Black racism and the need to address it on an ongoing basis. It requires the Government of Ontario to maintain an anti-racism strategy that aims to eliminate systemic racism and advance racial equity, which must include "initiatives to assist racialized groups that are most adversely impacted by systemic racism", including

[6] Information provided during meetings with civil society.

indigenous and Black communities, and targets and indicators to measure its effectiveness, which must be reported on annually. The Act also requires the Government of Ontario to review the anti-racism strategy at least every five years; and any review or revision of the strategy must include consultation with members and representatives of communities that are most adversely impacted by systemic racism, including indigenous and Black communities.

II. Institutional and policy measures

21. The Working Group welcomes the ongoing efforts by the federal Government to address racial discrimination faced by people of African descent and to promote human rights, diversity and inclusion in partnership with African Canadian communities and civil society organizations. It also welcomes the important work carried out by the national and provincial human rights institutions to investigate and refer complaints, review legislation, issue, and monitor the implementation of, recommendations to address systemic anti-Black racism.

22. The Working Group further welcomes the establishment in 2016 of the Anti-Racism Directorate to eliminate systemic racism and to promote fair practices and policies across Ontario. The Working Group was informed that the Directorate will develop a province-wide anti-racism strategy with a racial equity impact assessment framework and methodology to assess programmes and services, carry out anti-racism data collection based on disaggregated race-based data and an anti-racism perspective to inform and support ministries on substantive policy and programming initiatives. The Directorate will also seek to increase public education and awareness of systemic racism through a province-wide anti-racism campaign.

23. On 21 February 2017, the Government of Ontario formally recognized the International Decade for People of African Descent and acknowledged that people of African descent represented a distinct group whose human rights must be promoted and protected.

24. Also in February 2017, the Ministry of Children and Youth Services announced the launch of the four-year Ontario Black Youth Action Plan to support and help reduce outcome disparities in schooling, post-secondary education and employment of 10,926 Black children, youth and families annually. In addition, the Ministry reportedly provided funding through the Ontario Association of Children's Aid Societies to the One Vision One Voice project, which is aimed at working with Black community leaders to develop a more culturally appropriate practice framework to deliver child welfare services.

25. In March 2017, the Minister responsible for anti-racism released *A Better Way Forward: Ontario's 3-year Anti-Racism Strategic Plan*,[9] part of the provincial government's commitment to fight systemic racism and create fair and equitable outcomes for Black, indigenous and other racialized people. The plan includes a commitment to develop and release an anti-Black racism strategy in Fall 2017 that will "leverage partner ministries to identify baseline data and publicly report measures and targets that aim to reduce the overrepresentation of Black children and youth within the child welfare system, the achievement gap between Black students and all students within the publicly-funded education system and the disproportionate number of Black males involved in the youth justice and justice systems". The 3-year strategic plan includes targeted public education and awareness initiatives focusing on anti-Black racism, anti-indigenous racism, antisemitism, Islamophobia and other forms of racism against racialized groups.

26. The Working Group welcomes the new federal initiative to appoint a judiciary that reflects the diversity of the country, thereby encouraging applicants to self-identify on the basis of race, gender identity, indigenous status, sexual orientation and physical disability.

[9] See https://www.ontario.ca/page/better-way-forward-ontarios-3-year-anti-racism-strategic-plan#_ga=2.206866459.1010491996?.1497427734-1951199954.1497427734.

and to provide anti-racism bias training for committees that screen candidates with a view to preventing rejection of good applicants from minority groups.

27. The appointment on 10 January 2017 of Ahmed Hussen, an African immigrant, as the Minister for Immigration, Refugees and Citizenship is a welcome development.[6]

28. The Working Group welcomes the organization of events such as Black History Month and Lincoln Alexander Day to celebrate the achievements and contributions of African Canadians. It underlines the historical importance of the Africville community and museum as a site of memory in Nova Scotia. It welcomes the specific focus on African Canadian history, experiences and social conditions at the Canadian Museum for Human Rights.

29. The Working Group noted the steps taken by the Government of Quebec to improve the educational outcomes of African Canadian students, including the issuance of a publication highlighting the contribution of African Canadians to the history and development of Quebec society, which is made available to schools, and the organization of intercultural awareness activities in schools by the Black History Month Round Table.

30. In Nova Scotia, the Working Group noted the use of presentencing cultural impact assessments which take into account the history and legacies of racial discrimination against African Canadians.

31. The Working Group also noted the existence of the African Canadian Services Division within the Nova Scotia Department of Education, which advises the provincial government on African Canadian education, promotes understanding of African Canadians and their history, heritage, culture, traditions and contributions to society, ensures African Canadian students have greater access to post-secondary institutions and works with staff to address systemic racism and discrimination by facilitating the implementation of the province's racial equity policy.

32. The Working Group was informed about the Nova Scotia Home for Coloured Children Restorative Inquiry, which is intended to address the history of institutionalized abuse of children and systemic and institutional racism.[7] The Working Group welcomes the inquiry as a model of restorative justice based on collaborative examination and decision-making and encourages the province's public agencies to engage as fully as possible in the process. The Working Group encourages the federal and provincial governments and agencies to adopt similar collaborative and restorative approaches in addressing similar issues affecting people of African descent in their jurisdictions.

IV. Manifestations of racial discrimination

33. Despite Canada's reputation for promoting multiculturalism and diversity and the positive measures taken to address racial discrimination, the Working Group is deeply concerned about the human rights situation of African Canadians. Canada's history of enslavement, racial segregation and marginalization has had a deleterious impact on people of African descent, which must be addressed in partnership with communities. Across the country, many people of African descent continue to live in poverty and poor health, have low educational attainment and are overrepresented in the criminal justice system. It is important to underline that the experience of African Canadians is unique because of the particular history of anti-Black racism in Canada, which is traceable to slavery and its legacy, through specific laws and practices enforcing segregation in education, residential accommodation, employment and other economic opportunities. History informs anti-Black racism and racial stereotypes that are so deeply entrenched in institutions, policies and practices, that its institutional and systemic forms are either functionally normalized or rendered invisible, especially to the dominant group. This contemporary form of racism

[6] See http://canadaimmigrant.ca/news-and-views/news/named-hussen-appointed-minister-of-immigration-refugees-and-citizenship.

[7] See http://restorativeinquiry.ca/.

replicates the historical de jure and de facto substantive conditions and effects of spatial segregation, economic disadvantage and social exclusion.[10]

A. Criminal justice system

34. The Working Group is particularly concerned about the overrepresentation of African Canadians in the criminal justice system, which may be attributed to racial bias at all levels of the system, from racial profiling to the exercise of prosecutorial discretion, the imposition of pretrial incarceration and disparities in sentencing.[11]

35. There is clear evidence that racial profiling is endemic in the strategies and practices used by law enforcement. Furthermore, arbitrary use of "carding", or street checks — the police practice of stopping, questioning and documenting people suspected of a crime — disproportionately affects people of African descent. A York University research team working on the Ottawa Police Service Traffic Stop Race Data Collection Project found that in Ottawa, Middle Eastern and Black groups, irrespective of their sex and age had disproportionately high incidences of traffic stops. Middle Eastern drivers were stopped 10,066 times, that is about 12.3 per cent of total stops over the period 2013-2015, yet they represented less than 4 per cent of the total driving population in Ottawa. That means that Middle Eastern drivers were stopped 3.3 times more than what you would expect based on their population. Black drivers were stopped 7,238 times, that is about 8.8 per cent of total stops over the two-year period, while Black drivers represented less than 4 per cent of the total driving population in Ottawa. That means that Black drivers were stopped 2.3 times more than what you would expect based on their population.[12] Owing to its arbitrary use, carding has been known to escalate into police violence, resulting in injuries and even deaths of people of African descent, especially when those targeted are suffering from health issues and mental disabilities.

36. In 2015, the Ombudsman of Ontario, in a submission entitled "Street Checks and Balances", was of the view that "stopping citizens without an objective and reasonable basis for believing that they may be implicated in a recent or ongoing criminal offence, or where there are reasonable and probable grounds to arrest them, is unconstitutional". He considered it "a form of arbitrary detention contrary to section 9 of the Canadian Charter of Rights and Freedoms". He also considered that the purported benefit of street checks — their effectiveness as a policing tool to improve public safety — did not meet the reasonable limits test established by section 1 of the Charter and that the detrimental effects of street checks on individuals and the community were simply too great to justify the practice. Furthermore, he stated that if the Government persisted in its attempt to permit and regulate street checks, significant safeguards would be required to minimize the infringement on individual civil rights and salvage community confidence in policing in the province.[13]

37. The Working Group is concerned about excessive use of force and killings by the police, especially in response to cases involving vulnerable people of African descent, who are mentally ill or otherwise in crisis. Several Black Canadians have reportedly been killed by the police since 2010, including Andrew Loku, Jermaine Carby, Alex Wettlaufer, Kwasi Skene-Peters, Jean-Pierre Bony, Ian Pryce, Frank Antony Berry, Michael Eligon, Eric Osawe, Reyarl Jardine-Douglas and Junior Alexander Manon.

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[10] See African Canadian Legal Clinic, "Report on the Canadian government's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination", July 2002.

[11] Julian V. Roberts and Anthony N. Doob, "Race, ethnicity and criminal justice in Canada", *Crime and Justice*, No. 21 (1997).

[12] Lorne Foster and others, "Race data and traffic stops in Ottawa, 2013-2015: A report on Ottawa and the Police Districts" (October 2016), p. 3. Available at https://www.ottawapolice.ca/en/about-us/resources/.TSRDCP_York_Research_Report.pdf.

[13] See https://ombudsman.on.ca/Files/sitemedia/Documents/OntarioOmbudsman-StreetChecks-EN.pdf, p. 4.

38. It is reported that, Jermaine Carby, 33, was fatally shot by the Peel regional police in Brampton on 24 September 2014. The police alleged that he refused to drop a knife when ordered to. However, investigators from the provincial Special Investigations Unit did not find a knife at the scene. None of the officers involved in the episode were charged, disciplined or even identified publicly.[14]

39. Andrew Loku, 45, a mentally ill Black man who had immigrated to Canada from South Sudan, was shot dead by the Toronto police outside his apartment in July 2015, after he refused to put down a hammer.[15]

40. Abdirahman Abdi, a Somalian immigrant, was allegedly beaten to death by Ottawa police officers while in police custody on 24 July 2016.[16]

41. The Working Group is concerned that no race-based statistics on fatal police incidents are kept by Ontario's police watchdog or Statistics Canada, the Toronto police or the Ministry of Community Safety and Correctional Services. Statistics Canada Centre for Justice Statistics only tracks fatal police shootings if an officer is criminally charged and does not keep statistics on race. There also seems to be a disturbing pattern of impunity for police violence. According to Anthony Morgan, a Toronto-based community advocate and lawyer, since 1978, no police officer has served time in prison for killing a Black person, despite the fact that Black people are extraordinarily overrepresented in instances of police use of lethal force.[17]

42. In July 2015, the *Toronto Star* newspaper requested the Special Investigations Unit to provide it with information on every fatal shooting incident involving police since its inception in 1990. The list contained only the dates of fatal police-involved shootings and excluded incidents such as when someone committed suicide with a gun in the presence of police. The *Toronto Star* cross-referenced the dates with news archives and the Unit's news releases to identify the person killed and, wherever possible, their racial background. The analysis showed that, of the 51 fatal shootings involving the Toronto police, at least 18 involved Black men, representing 35 per cent of fatal police shootings. Toronto's Black population is roughly 9 per cent of the total population. In 17 cases, or 33 per cent, of the shootings, it was not possible to identify for certain the racial background of the person killed or, in a few cases, even their identity.[18]

43. The Working Group welcomes the 2016 report of the Ombudsman of Ontario on his investigation into how Ontario police services attempt to de-escalate conflict situations, and his recommendations aimed at changing police culture.[19] The Government of Ontario said that it was willing to respond to the concerns raised in the report and the new Minister of Community Safety and Correctional Services announced that all 22 recommendations in the report would be implemented.

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[14] See https://www.thestar.com/news/crime/2015/07/21/no-charges-against-peel-police-in-death-of-jermaine-carby.html.

[15] See https://www.thestar.com/news/gta/2017/06/13/family-says-andrew-loku-was-a-happy-person-who-just-got-pushed-too-far.html.

[16] See https://www.theglobeandmail.com/news/national/black-lives-matter-protests-death-of-abdirahman-abdi-in-cities-across-canada/article31531189/.

[17] See https://www.thestar.com/opinion/commentary/2016/07/25/why-canada-needs-black-lives-matter.html.

[18] See https://www.thestar.com/news/crime/2015/08/16/how-many-black-men-have-been-killed-by-toronto-police-we-cant-know.html.

[19] Ombudsman of Ontario, *A Matter of Life and Death*, Investigation into the direction provided by the Ministry of Community Safety and Correctional Services to Ontario's police services for de-escalation of conflict situations (June 2016). Available at https://www.ombudsman.on.ca/Files/sitemedia/Documents/OntarioOmbudsmanDeescalationEN_1.pdf.

44. Over the last decade, the composition of the federal inmate population has changed dramatically. There has been an alarming increase of 71.1 per cent in the number of African Canadians incarcerated in federal corrections between 2005 and 2015.[20]

45. According to the Office of the Correctional Investigator of Canada, in 2015-16, Black inmates represented 9 per cent of the federal prison population and 7.5 per cent of the federal supervised population although Black Canadians comprise just 3 per cent of the Canadian population. In terms of correctional outcomes, Black inmates in federal custody are overrepresented in maximum security, segregation (or solitary confinement) and use of force incidents. They incur a disproportionate number of institutional charges, particularly those that could be considered discretionary on the part of correctional staff, and are released later in their sentence and less likely to be granted day or full parole.[21]

46. The Working Group is extremely concerned about the practice and excessive use of segregation in correctional facilities, the absence of appropriate monitoring and the lack of data on inmates' race, mental health status and gender. Segregation is used in both adult and juvenile detention facilities. The Working Group noted that as many as 40 per cent of inmates in segregation in Toronto South Detention Centre were of African descent. The Ombudsman of Ontario agreed that segregation had serious adverse effects on inmates, especially vulnerable individuals with mental health and/or developmental disabilities. He recommended that the Ministry of Community and Correctional Services adopt the long-term goal of abolishing indefinite segregation and develop inmate housing and programmes that meet the needs of vulnerable inmates with mental health, developmental and behavioural challenges.[22] The Working Group noted that inmates who asserted their rights were subject to reprisal by prison guards through disciplinary sanctions, including segregation. A freeze in the recruitment of correction officers in the past years has resulted in severe understaffing, leading to the frequent use of lockdowns (when inmates are restricted to their cells) that has further curtailed the human rights of detainees, the majority of whom are African Canadian. Lockdowns, which tend to take place during weekends owing to low staffing or during searches on suspicion of possession of weapons or other illegal items, deprive detainees of many of their human rights, such as socializing, using the recreational facilities and even taking a shower.

47. The Office of the Correctional Investigator reported that Black inmates were 1.5 times more likely to be placed in maximum security institutions where programming, employment, training, education upgrading, rehabilitative programming and social activities are limited. Furthermore, Black inmates experience discrimination by correctional officials through the use of racist language, as well as being ignored and disregarded in ways that increase feelings of marginalization, exclusion and isolation. These inmates are also often labelled with discriminatory stereotyping such as being called a gang member or trouble-maker or drug dealer or womanizer. A review of data from 2008-2013 showed that Black inmates were consistently overrepresented in administrative segregation, particularly involuntary and disciplinary placements, and in 2012-2013, Black inmates were disproportionately involved in use of force incidents.[23]

48. The Ombudsman of Ontario reported on egregious examples of use of force by correctional officers, in which correctional staff committed "brazen acts of violence"

[20] Ivan Zinger, "Human rights and federal corrections: a commentary on a decade of tough on crime policies in Canada", *Canadian Journal of Criminology and Criminal Justice*, vol. 58, No. 4 (October 2016), pp. 609-627.

[21] Office of the Correctional Investigator, "A case study of diversity in corrections: the Black inmate experience in federal penitentiaries", Final report, 2013. Available at http://www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20131126-eng.pdf.

[22] Ombudsman of Ontario, "Segregation: not an isolated problem", Written submission to the Ministry of Community Safety and Correctional Services (May 2016). Available at https://www.ombudsman.on.ca/Resources/Speeches/2016/Segregation--Not-an-Isolated-Problem.aspx#The_bottom_line.

[23] Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2012-2013* (June 2013). Available at http://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20122013-eng.aspx.

against inmates, attempted to destroy and falsify evidence and intimidated colleagues who tried to speak out against them. The acts were verified by ministry investigations. The Ombudsman called on the Ministry of Community Safety and Correctional Services to crack the pervasive code of silence under which some guards in Ontario correctional institutions use excessive force against inmates and conspire to cover it up. In order to reduce the risk of excessive use of force, he recommended that the Ministry focus on the malignant peer pressure that continued to influence the attitudes and actions of some correctional officers as it had a duty to ensure the welfare of everyone in its correctional institutions, particularly those entrusted to its custody. It must take all reasonable precautions to protect inmates from abuse by those responsible for their protection, including ensuring that vigorous action was taken to eradicate the code of silence that threatened the security of inmates and staff alike. The Ombudsman made 45 recommendations to the Ministry, including that it take direct and assertive action to address the dysfunctional correctional culture. The Ministry pledged to implement the Ombudsman's recommendations.[24]

B. Hate crimes

49. According to information provided by the federal Government, in 2013, the police reported 585 incidents of hate crimes motivated by race or ethnicity. The Working Group is deeply concerned that the Black population was the most highly targeted group, experiencing 44 per cent of racial hate crimes.

50. The Government informed the Working Group that the Criminal Code requires judges to consider, as an aggravating circumstance in sentencing, any evidence that a crime was motivated by bias, prejudice or hate based on grounds such as race, colour, religion, national or ethnic origin. Vandalizing or damaging property primarily used for religious worship is a specific crime if the action is motivated by bias, prejudice or hate based on religion, race, colour, national or ethnic origin. The Criminal Code punishes three hate propaganda offences: advocating or promoting genocide against an identifiable group; inciting hatred against an identifiable group in a public place that is likely to lead to a breach of the peace; and wilfully promoting hatred against an identifiable group. It defines an identifiable group as "any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, or mental or physical disability".

51. In 2015, the Government of Quebec tabled Bill 59 to enact the Act to prevent and combat hate speech and speech inciting violence and to amend various legislative provisions to better protect individuals. The bill provides for the prohibition of hate speech and speech inciting violence that are engaged in or disseminated publicly and that target a group of people sharing a common characteristic identified as prohibited grounds for discrimination under the Quebec Charter of Human Rights and Freedoms. The bill was under review at the time of drafting of this report.

52. Civil society was concerned that although the presence of aggravating factors should lead to harsher sentences, since the Criminal Code makes no distinction between an assault and an assault motivated by racism, it was difficult to track and measure the efficacy of hate crime prosecutions and convictions. It underlined that the lack of a federal offence for race-based assaults created a problem of transparency and accountability. The Working Group heard that victims and community groups have to exert pressure on prosecutors to have offences recognized as hate crimes motivated by anti-Black racism. As the prosecutor must request the judge to consider the racist nature of the crime, a lack of understanding of anti-

[24] Ombudsman of Ontario, *The Code*, Investigation into the Ministry of Community Safety and Correctional Services' response to allegations of excessive use of force against inmates (June 2013). Available at https://ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/The-Code-EN.pdf.

Black racism by prosecutors and/or the members of the judiciary often prevents hate and bias towards African Canadians from being considered.[25]

C. Disparities in access to education, health, housing and employment

53. The cumulative impact of anti-Black racism and discrimination faced by African Canadians in the enjoyment of their rights to education, health, housing and employment, among other economic, social and cultural rights, has had serious consequences for their overall well-being. Anti-Black racism continues to be systemic, leaving African Canadians among the poorest communities in Canada.

54. Reports have indicated a pattern of steady decline in the economic situation and increasing poverty of African Canadians. One report states that the poverty rate among Black Canadians is more than three times the average for Whites. In 2000, one in two African Canadian children lived below the low income cut-off rate before taxes, compared to one in 10 for European Canadians. Furthermore, poverty among single-parent, mother-led families stood at 65 per cent for African Canadian families compared to 26 per cent for European Canadian families. African Canadians in Montreal, Quebec, have the highest poverty rates among all "visible minorities" in the city. Approximately 50 per cent of the Black Canadian population are categorized as low income, with that number jumping to 65 per cent for new Black immigrants.[26]

55. The Working Group was concerned to learn about anti-Black racism and the lack of social inclusion in the education system in Canada. African Canadian students have disproportionately low educational attainment, high dropout rates, suspensions and expulsions and they are more likely than other children to be streamed into general and basic-level academic programmes, instead of advanced-level programmes. Race-based stereotypes about African Canadian students' scholastic ability have had a devastating impact. The three primary concerns expressed were differential treatment, lack of Black and African-Canadian history and culture in the curriculum and the absence of Black teachers.[27] The quality of education received and the outcome of their educational experiences affects the employment and income potential of African Canadians.

56. In its report on education, the Black Learners Advisory Committee in Nova Scotia expressed what the Working Group had been hearing in different parts of the country: "Systemic racism persists". The educational inequities between African Nova Scotians and other Nova Scotians have remained unchanged after 30 years of school integration. The socioeconomic conditions in the Black communities across the province remain deplorable. African Nova Scotians' ability to access post-secondary education, especially in professional schools, remains very limited.[28] The Committee made several key recommendations to address the situation.

57. The Working Group noted the disproportionately high unemployment rates among African Canadians, many of whom are forced to take low-paying jobs with little security and poor prospects. The racialization of poverty is compounded by the feminization of poverty: the unemployment rate for African Canadian women is 11 per cent compared to 7 per cent for the general Canadian population and, when employed, African Canadian women earn 37 per cent less than White men and 15 per cent less than their White women. Also, 25 per cent of African Canadian women are living below the Canadian poverty line

[25] African Canadian Legal Clinic, "Errors and omissions: anti-Black racism in Canada", A report on the Canadian Government's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (24 January 2012).

[26] African Canadian Legal Clinic, Policy paper on poverty. Available at http://studylib.net/doc/8102332/policy-paper---african-canadian-legal-clinic.

[27] African Canadian Legal Clinic, Policy paper on education. Available at http://studylib.net/doc/8102332/policy-paper---african-canadian-legal-clinic.

[28] See Black Learners Advisory Committee, BLAC Report on Education: *Redressing Inequity — Empowering Black Learners*, Vols. 1-3 (Nova Scotia, 1994), p. 35. Available at https://acs.ednet.ns.ca/sites/default/files/BLAC%20Report%20on%20Education%20Vol%201-3.pdf.

compared to 6 per cent of White Canadian women. By extension, Black Canadian children are living in poverty at the unprecedented rate of 33 per cent for children of Caribbean heritage and 47 per cent for children of continental African heritage, compared to 18 per cent of White Canadian children living below the poverty line. African Canadian women and girls are reportedly targeted by the police and are increasingly in contact with the criminal justice system as one of the fastest growing prison populations.

58. Black immigrants come from almost all regions of Africa and the Caribbean; they are not a homogenous group. The Working Group was informed that members of the African diaspora faced unique forms of discrimination. Educated Black immigrants struggle to gain recognition for skills and degrees earned overseas and often work below their level of competency and qualification. Those who choose to upgrade their education in Canada do so at great financial and personal cost.

59. Many foreign workers come to Canada under the Temporary Foreign Worker Program and the Seasonal Agricultural Workers Program. The Working Group was informed that seasonal migrant workers of African descent are often subjected to deplorable working conditions. Migrant workers face obstacles complaining about working conditions because their presence in the country is tied to the specific employer(s) indicated on the work permits issued by the Immigration Department. Many are exploited and reportedly denied access to basic health services. They are required to pay taxes and contribute to Canadian social benefit programmes which they often cannot access. The situation is reminiscent of indentured labour.

60. The Working Group is concerned about the lack of implementation of the Land Titles Clarification Act in Nova Scotia, which should assist people of African descent in obtaining titles to the lands on which they live. The Act was passed in Nova Scotia in 1963 to create a process to assist with the clarification of land title and land ownership issues for residents living in 13 specific communities in Nova Scotia. For historic and systemic reasons, there was a lack of land ownership documentation for the residents of those areas and communities, many of whom are African Nova Scotian. The Act was intended to provide a simpler and inexpensive mechanism to obtain clarification of land titles. Under the Act, a certificate of title is issued to applicants who can show that they used and occupied the land claimed for at least 20 years. The process provides for notice to be given to the community and issues such as competing ownership claims and unsettled boundaries to be resolved before a certificate can be issued.

61. Civil society informed the Working Group that the system in place under the Act was not working as hoped. The process is reportedly unjust and discriminatory, and many have had their claims rejected. Residents must bear the burden for submitting all the documentation, as well as the application, lawyer and surveyor fees necessary to have the land title clarified. In May 2015, the Department of Natural Resources, which is responsible for processing the applications, acknowledged that the process was unclear and stated they were attempting to pilot a project to assist residents in the community to obtain the title to their property. It was recognized that there were financial and logistical hurdles for some residents wishing to obtain a certificate of title, as residents were responsible for all the costs of the process, include surveying and legal fees. However, an interdepartmental committee was currently considering various options for removing or reducing those barriers and providing support to African Nova Scotians to help them clarify titles to their properties. The Working Group emphasized that the Act must be implemented in collaboration with, and for the benefit of, the affected population group. All resources should be made available, fees should be waived and remedies should be provided for any discriminatory policies relating to the process of granting a certificate of title.

62. Civil society indicated that gentrification has had a detrimental and disparate impact on African Canadians with regard to access to adequate housing, especially in cities such as Montreal, Quebec.

63. Environmental racism is equally a concern. Landfills, waste dumps, polluting industries and other environmentally hazardous activities are disproportionately situated near neighbourhoods where many people of African descent live, creating serious health risks for them. For example, the African Nova Scotian community of Lincolnville has been

dealing with the social, economic and health effects of first- and second-generation landfills since 1974. There has been no consultation with African Canadian communities and no response has been provided to their concerns about environmental hazards. There is also an absence of policies and legislation to address the long-standing environmental concerns in those communities.

64. In general, African Canadians have poorer health outcomes and are less likely to avail themselves of health services than many other groups. Social factors, including poverty, unemployment, racism and discrimination, increase the risk of illness and interfere with timely and equitable treatment. Thus, African Canadians experience a high and disproportionate level of chronic health conditions such as hypertension, diabetes, HIV and AIDS, cancers, mental health problems and sickle cell disease.[29]

65. Several factors contribute to these health disparities, including historic barriers to access and continuity of health care, long-standing systemic racism, low socioeconomic status, lack of cultural specificity in health education and underrepresentation of Black health professionals in the system.

D. Multiple and intersecting forms of discrimination

66. The Working Group considered the multiple and intersecting forms of discrimination faced by people of African descent in Canada and heard from several about their experiences of racial and other forms of discrimination based on ethnicity, religion, socioeconomic status, language, sex and gender identity.

67. Civil society reported that racialized women in Canada consistently and disproportionately experienced poverty, homelessness, sexual assault, incarceration and discrimination. Women of African descent are particularly vulnerable to such marginalization as the fact of being women and members of a racial and/or religious minority intersect to compound discrimination. African Canadian women often find themselves entrenched in a cycle of poverty, with low levels of vocational and/or career advancement, lack of access to justice and deprived of the resources necessary to fully enjoy and participate in Canadian culture and life. An African Canadian woman who is poor and unemployed or who has a precarious immigration status or who is at risk of harm or domestic violence, or any combination thereof, is highly vulnerable to a deepening cycle of marginalization and social exclusion, which also affects her children and her community. The precariousness of a temporary or undocumented immigration status has a disproportionate impact for racialized women who may face violence in the home and/or in the workplace. They often have little or no protection from abuse and violence, for fear that police involvement might lead to deportation or that ending the relationship with physically abusive partners or private sponsors might mean losing their resident status in Canada.[30]

68. The Working Group is concerned by reports that, across Canada, African Canadian children are taken from their parents by child welfare agencies on dubious grounds without respect for the extended care opportunities that exist in African Canadian families and communities. Many reports and academic journals highlight racism as the root cause. For example, there is an overrepresentation of African Canadian youth and children in child welfare systems in Ontario; 41.8 per cent of the children and youth in the care of the Children's Aid Society of Toronto are of African descent.[31] Yet, Black Canadians make up only 6.9 per cent of Toronto's population and just 8 per cent of the city's population is under the age of 18. In contrast, 37 per cent of the children in care in Toronto are White, while more than 50 per cent of the city's population under 18 years is White.

[29] Information submitted by the Black Health Alliance, 2016.

[30] See African Canadian Legal Clinic, Report to the Committee on the Elimination of Discrimination against Women (2016). Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/INT_CEDAW_NGO_CAN_25429_E.pdf.

[31] See Children's Aid Society of Toronto, "Addressing disproportionality, disparity and discrimination in child welfare", Data on services provided to Black African Caribbean Canadian families and children, July 2015.

69. Immigrants of African descent face language barriers in accessing information related to employment, education and social services. This was especially relevant to and a source of concern for Anglophone immigrants in Quebec and Francophone immigrants in Ontario. A survey carried out in 2013 by TransPULSE,[32] a community-based research project investigating the impact of social exclusion and discrimination on the health of transgender people in Ontario, indicated that 26 per cent of racialized transgender individuals reported having been harassed by police, compared with only 4 per cent of White transgender individuals.

V. Conclusions and recommendations

A. Conclusions

70. **The Working Group welcomes the ongoing work by the Government of Canada to revitalize efforts to address racial discrimination faced by people of African descent and to promote human rights, diversity and inclusion in partnership with African Canadian communities and civil society organizations. It also welcomes the important work of the national and provincial human rights institutions in investigating and referring complaints, reviewing legislation, monitoring and issuing recommendations to address systemic anti-Black racism.**

71. **The Working Group further welcomes the new federal initiative of appointing a judiciary that reflects the diversity of the country, encouraging applicants to self-identify on the basis of race, gender identity, indigenous status, sexual orientation and physical disability, and providing training in unconscious bias for committees that screen candidates so as to prevent rejection of good applicants from minority groups.**

72. **The Working Group welcomes the organization of events to celebrate the achievements and contributions of African Canadians, such as Black History Month and Lincoln Alexander Day. It notes the historical importance of the Africville community and museum as a site of memory in Nova Scotia and the specific focus on African Canadian history, experiences and social conditions at the Canadian Museum for Human Rights.**

73. **The Working Group also welcomes the establishment, in 2016, of the Anti-Racism Directorate to address systemic racism and promote fair practices and policies across the province of Ontario. It also notes with satisfaction that, following its visit, the Ontario Government adopted a number of measures for the benefit of African Canadians; it encourages other provinces to follow that example.**

74. **Despite the reputation for promoting multiculturalism and diversity and the positive measures taken by the national and provincial governments, referred to above, the Working Group is deeply concerned by the structural racism that lies at the core of many Canadian institutions and the systemic anti-Black racism that continues to have a negative impact on the human rights situation of African Canadians.**

75. **Canada's history of enslavement, racial segregation and marginalization of African Canadians has left a legacy of anti-Black racism and had a deleterious impact on people of African descent, which must be addressed in partnership with the affected communities.**

76. **Across Canada, many people of African descent continue to live in poverty and poor health, have low educational attainment and are overrepresented at all levels of the criminal justice system.**

[32] TransPULSE, Experiences of racism among trans people in Ontario, e-bulletin, vol. 3, No. 1 (March 2013).

77. There is a lack of race-based data and research that could inform prevention, intervention and strategies to protect the human rights of African Canadians.

78. The Working Group is particularly concerned about anti-Black racism and there is clear evidence that racial profiling is endemic in the strategies and practices used by law enforcement. Consumer racial profiling and the arbitrary use of "carding", or street checks, disproportionately affects people of African descent. The Working Group is concerned about excessive use of force and police-involved deaths, especially when responding to cases involving vulnerable people of African descent, such as those who are mentally ill or otherwise in crisis. It also is concerned that there is no race-based statistics of fatal police incidents involving persons of African descent.

79. The Working Group is extremely concerned about the practice and excessive use of segregation or solitary confinement in correctional facilities, the absence of appropriate monitoring and the lack of data on inmates' race, mental health status or gender. It noted that prisoners who asserted their rights were subject to reprisals by prison guards through disciplinary sanctions, including segregation. A freeze in the recruitment of correction officers in the past years has resulted in severe understaffing, which has led to the frequent use of lockdowns that has further curtailed the human rights of detainees, of which the majority are African Canadian.

80. The Working Group noted the disproportionately high unemployment rates among African Canadians, many of whom are forced to take low paying jobs with little security and poor prospects. African Canadian women find themselves entrenched in a cycle of poverty, with low levels of vocational and/or career advancement, lack of access to justice and deprived of the resources necessary to fully enjoy and participate in Canadian culture and life. African Canadian women and girls are reportedly targeted by the police and increasingly in contact with the criminal justice system as one of the fastest growing prison populations.

81. Many seasonal migrant workers of African descent are subjected to deplorable working conditions; they are exploited and are reportedly denied access to basic health services, and they are required to pay into Canadian social benefit programmes which they often cannot access, rendering their situation reminiscent of indentured labour.

82. African Canadians are disproportionately affected by race and health inequities that contribute to high rates of chronic disease.

B. Recommendations

83. The following recommendations are intended to assist Canada in its efforts to combat all forms of racism, racial discrimination, xenophobia, Afrophobia and related intolerance.

84. The Government of Canada should:

(a) Issue an apology and consider providing reparations to African Canadians for enslavement and historical injustices;

(b) Legally recognize African Canadians as a distinct group who have made and continue to make profound economic, political, social, cultural and spiritual contributions to Canadian society;

(c) Take concrete steps to preserve the history of enslavement and the political, social and economic contributions of African Canadians by establishing monuments in their honour;

(d) Ensure that textbooks and other educational materials accurately reflect historical facts as they relate to past tragedies and atrocities, in particular enslavement, to avoid negative stereotypes of people of African descent.

85. **The Government of Canada should:**

(a) **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Inter-American Convention against All Forms of Discrimination and Intolerance;**

(b) **Create a national department of African Canadian affairs to represent the interest of African Canadians in the national Government and to research and develop policies to address issues facing African Canadians.**

86. **The Working Group recommends that a nation-wide mandatory policy on the collection of data disaggregated by race, colour, ethnic background, national origin and other identities be implemented to determine if and where racial disparities exist for African Canadians so as to address them accordingly.**

87. **The Government of Canada should review, in line with article 1 of the Convention on the Elimination of All Forms of Racial Discrimination, the implications of the use of the term "visible minority" so as to address more precisely the socioeconomic gaps and other disparities between different ethnic groups.**

88. **The Government of Canada should restore, fund and update the National Action Plan against Racism to comprehensively address anti-Black racism and human rights concerns of African Canadians.**

89. **The Working Group recommends that the Government of Canada:**

(a) **Develop and implement an African Canadian justice strategy to address the anti-Black racism and discrimination within the criminal justice system;**

(b) **Develop and implement a national corrections strategy to address and correct the disproportionately high rates of African Canadians in the correctional system and ensure anti-discriminatory and culturally specific services for African Canadian offenders;**

(c) **Develop a national diversity-awareness training plan for the federal and provincial correctional services and appoint an ethnicity liaison officer in each institution. Urgently increase the staffing of the correctional service and explore alternatives to lockdowns that will not result in the impairment of the human rights of detainees;**

(d) **Abolish the practice of segregation and solitary confinement and explore alternatives to imprisonment. Implement the recommendations made by the Ombudsman of Ontario in "The Code" with a view to ending the code of silence that exist among correctional officers and improve the processes for dealing with allegation of use of force.**

90. **The Working Group recommends that the practice of carding, or street checks, and all other forms of racial profiling be discontinued and that the practice of racial profiling be investigated and the perpetrators sanctioned. There must be a cultural change in law enforcement and greater respect for the African Canadian community.**

91. **The Government of Canada should:**

(a) **Implement the recommendations made by the Ombudsman of Ontario in his report entitled *A Matter of Life and Death* (see footnote 19);**

(b) **Implement the Committee on the Elimination of Racial Discrimination general recommendations No. 34 (2011) on racial discrimination against people of African descent and No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system;**

(c) Take the steps necessary to prevent arbitrary arrests, stops, searches and investigations and over-incarcerations of African Canadians;

(d) Provide training in unconscious bias to prosecutors, judges, lawyers, other judicial and police officers in the criminal justice system;

(e) Gather data on treatment of African Canadians in the criminal justice system;

(f) Conduct a study into the root causes of overrepresentation of African Canadians in the criminal justice system;

(g) Monitor the practices of police services through periodic external, independent audits;

(h) Increase the representation of people of African descent in law enforcement and correctional services and in the judiciary;

(i) Ensure that a psychiatrist or psychologist accompany police officers when responding to mental health calls.

92. The Government of Canada should adopt effective measures to address the root causes of overrepresentation of African-Canadian children in child care institutions. All efforts should be taken to keep the family together and alternatives to removing the child from his or her parents should be considered, including counselling and rehabilitation programmes for parents. Training for child welfare staff should include strengthening cultural competencies to serve African Canadian communities.

93. The Government of Canada should:

(a) Adopt an intersectionality framework to analyse and address the multiple forms of discrimination on the basis of race and other grounds that people of African descent face;

(b) Develop a comprehensive national gender equality policy to address structural factors such as anti-Black racism that lead to Black-gendered inequality faced by women of African descent;

(c) Ensure that oversight bodies for police departments and prisons include people of African descent as well as other vulnerable groups such as women, youth, persons with disabilities and lesbian, gay, bisexual, transgender persons in their composition.

94. The Government of Canada should:

(a) Systematically address employment disparity for African Canadians through the enactment of employment equity legislation. Long-term anti-poverty strategies should target the specific needs of African Canadians;

(b) Ensure inclusive policies, access to resources and access to information to help African Canadians create businesses that will enable economic self-sufficiency and create viable jobs. There must be targeted hiring policies for people of African descent similar to those for First Nations people. Develop a cultural competency programme for employers to raise awareness about equity and to support African Canadians presently employed and an incentive programme, such as tax breaks, for employers who hire African Canadians;

(c) Implement special measures for African Canadians in accordance with the Committee on the Elimination of Racial Discrimination general recommendations No. 34 (2011) on racial discrimination against people of African descent and No. 32 (2009) on the meaning and scope of special measures in the Convention with a view to fostering effective integration at the federal, provincial and territorial levels of African Canadians into Canadian society by effectively ensuring implementation of non-discrimination legislation and policies regarding access to employment, housing and public service. Strengthen special measures to increase the level of educational

attainment of African Canadian children, in particular by preventing their marginalization and reducing their dropout rates;

(d) **Implement a nationwide African Canadian education strategy to address the inordinately low educational attainment, high dropout rates, suspensions and expulsions experienced by African Canadian children and youth;**

(e) **Strengthen Afrocentric education curricula and implement the recommendations made by the Black Learners Advisory Committee in its report on education, *Redressing Inequity — Empowering Black Learners*, and accepted by the Nova Scotia Department of Education in its report, *Expanding from Equity Supports to Leadership and Results*. The provincial ministries should collect disaggregated data and ensure adequate remedies are available to African Canadian students impacted by discriminatory effects of disciplinary policies, including racial profiling.**

95. **The Government of Canada should:**

(a) **Address the urgent mental health crisis in the African Canadian community through a review of mental health legislation, operational priorities and guidelines. Establish a collaborative African Canadian mental health working group comprised of members of the African Canadian community, Government and institutional partners in housing, child welfare, health, criminal justice and service providers;**

(b) **Strengthen efforts to address HIV/AIDS and the related stigma in the African Canadian community.**

96. **The Government of Canada should:**

(a) **Encourage federal, provincial and municipal governments to seriously consider the concerns of African Nova Scotians and help to develop legislation on environmental issues affecting them. Urge the federal and provincial governments to consider adopting measures or developing legislation such as bill 111, an Act to Address Environmental Racism introduced in the Nova Scotia legislature in 2015;**

(b) **Provide funding and other resources to African Canadian community-based projects;**

(c) **Provide financial support for the implementation of the Land Title Clarification Act in Nova Scotia, which is aimed at resolving all outstanding land claim issues within historically Black communities. Amend the Act to respect the cultural traditions of African Nova Scotian communities.**

97. **The Government of Canada should make available pathways to residency and citizenship to seasonal workers to protect them from exploitation. Increase access to permanent residency and enable labour mobility by issuing open work permits, regulating employers, and ensure access to health services and adequate housing. Provide support, legal resources, community outreach and education to migrant workers on how to address concerns and disputes with employers particularly linked to modern-day slavery and other violations of their human rights.**

98. **The Working Group recommends that laws and counter-terrorism strategies which infringe upon the civil liberties, particularly of African Canadian Muslims, be repealed.**

99. **The Working Group recommends that the Government of Canada:**

(a) **Step up public discourse on the human rights of people of African descent and formally launch, at the national level, the International Decade for People of African Descent;**

(b) **Undertake impact-oriented activities in the framework of the International Decade for People of African Descent to bridge the existing gaps between policies and practice, including through the implementation of relevant recommendations for recognition and development of and justice for African Canadians. The International Decade for People of African Descent and the 150th**

anniversary of Canada present opportunities to highlight the achievements of African Canadians.